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Attorney Docket No. 19904-002(Breese-2)
(Formerly 19141-007)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

APPLICANTS: Piechaczyk *et al.*

NOV 12 2002

SERIAL NUMBER: 09/341,894

EXAMINER: J. Voitach

FILING DATE: December 15, 1999

ART UNIT: 1632

TECH CENTER 1600/2900

FOR: BIOLOGICAL MATERIAL FOR TREATING A MAMMAL BY
ANTIBODY GENE TRANSFER AND PHARMACEUTICAL
COMPOSITION CONTAINING SAME

Box SEQUENCE LISTING

United States Patent and Trademark Office
P.O. Box 2327
Washington, D.C. 22202

September 6, 2001
Boston, Massachusetts

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above-identified application are the following documents:

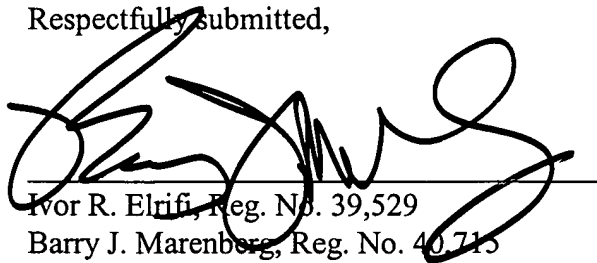
- ☒ Response to Examiner Communication Mailed October 22, 2002 and Notice to Comply with Sequence Listing Requirements (4 pgs.);
- ☒ Copy of Notice to Comply with Requirements (2 pgs.);
- ☒ Paper Copy of Sequence Listing (5 pgs.);
- ☒ One Diskette;
- ☒ Statement in Support of Computer Readable Form Submission (1 pg.);
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at 617-542-6000, Boston, Massachusetts.

APPLICANTS: Piechaczyk et al
U.S.S.N.: 09/341,894

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19904-002. A duplicate copy of this Transmittal is enclosed.

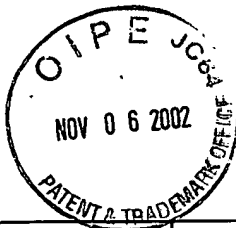
Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Ivor R. Elrifi, is written over a horizontal line.

Date: November 6, 2002

Ivor R. Elrifi, Reg. No. 39,529
Barry J. Marenberg, Reg. No. 40,715
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

TRA 1730565v1



Applicants' Copy
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/341,894	12/15/99	Piechaczyk et al.	19141-007

EXAMINER	
Joseph Weitach	
ART UNIT	PAPER NUMBER
1632	25

Please find below a communication from the EXAMINER in charge of this application

Applicants' amendment filed August 8, 2002, paper number 23, has been received and entered. The specification has been amended. Claims 3, 6-8, 12, 15 and 22-30 have been cancelled. Claims 1, 4, 5, 11, 13, 14, 20, 21 and 31 have been cancelled. Claims 32-42 have been added. Claims 32-42 are pending.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Specifically, the CRF filed August 8, 2002, paper number 23, was entered, however polynucleotide sequences are present in the specification but they are not identified with SEQ ID NOs (see new drawings for example). For proper sequence compliance each sequence present in the disclosure must be identified by a SEQ ID NO and be present in the sequence listing. Appropriate correction is required.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. **In no case may an applicant extend the period for response beyond the six month statutory period.** Applicant is requested to return a copy of the attached Notice to Comply with the response. Note that a reply to a notice to comply with the sequence rules should **not** be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Weitach whose telephone number is (703)305-3732.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (703)305-4051.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist Pauline Farrier whose telephone number is (703)305-3550.

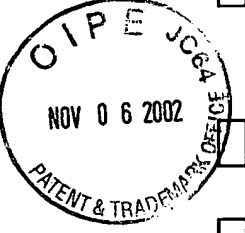
Joseph T. Weitach

Deborah Crouch
DEBORAH CROUCH
PRIMARY EXAMINER
GROUP 1800 / 630

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 
- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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